

# Exhibit D

February 01, 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

STUDENTS FOR FAIR )  
ADMISSIONS, INC, )  
  
Plaintiff, )  
  
VS. ) CIVIL ACTION  
  
UNIVERSITY OF TEXAS AT ) NO.: 1:20-cv-00763-RP  
AUSTIN, ET AL., )  
  
Defendants. )

-----  
ORAL AND VIDEOTAPED DEPOSITION OF

[REDACTED]  
FEBRUARY 1, 2021

VOLUME 1  
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ORAL AND VIDEOTAPED DEPOSITION OF [REDACTED],  
produced as a witness at the instance of the DEFENDANT,  
and duly sworn, was taken in the above-styled and  
numbered cause on February 1, 2021, from 9:38 a.m. to  
1:25 p.m. via Zoom, before Miah Hoffman, CVR in and for  
the State of Texas, reported by oral stenography,  
pursuant to the Federal Rules of Civil Procedure and the  
provisions stated on the record or attached hereto.

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KTA HOST: DEA BROWN

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## P R O C E E D I N G S

REPORTER: We are on the Record. Today's date is February 1st, 2021. The time is 9:38 a.m. This is the oral deposition of [REDACTED], and it is being conducted remotely by agreement of the parties or in accordance with current Emergency Orders. The witness is attending from [REDACTED], located at [REDACTED].

My name is Miah Hoffman, my CVR # is 7859 with Kim Tindall & Associates. I am administering the oath and reporting the deposition remotely by oral stenographic means.

My business address is 16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232. The witness has been identified to me through [REDACTED] driver's license.

Would counsel go ahead and please state their appearances for the record?

MR. POWERS: Matt Powers for the defendants.

MR. MCKETTA: Also for defendants.

MR. CONNOLLY: Michael Connolly for plaintiff, Students For Fair Admissions.

MS. SIMPSON: Carter Simpson for the defendant, Intervenors.



MR. HINOJOSA: David Hinojosa, defendant,  
Intervenors.

(Witness duly sworn.)

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. POWERS:

Q. [REDACTED] would you please state your name  
for the record?

A. [REDACTED].

Q. Your first name is [REDACTED] and your last name  
is [REDACTED], correct?

A. Yes.

Q. Have you ever given a deposition before, [REDACTED]  
[REDACTED]?

A. No.

Q. Okay.

MR. CONNOLLY: Matt, I'm sorry to  
interrupt. I should have said this before. Can I put  
the stipulations that we agreed to on the record?

MR. POWERS: Yes, very good.

MR. CONNOLLY: Okay. So this is what the  
parties agreed to before the deposition. During this  
deposition it is possible that UT or the Intervenors  
will have questions that SFFA believes infringe upon the

1 Q. Can you recall any correspondence with anyone  
2 affiliated with UT regarding your application for  
3 admission and the subsequent decision about it besides  
4 your application and [REDACTED] you received?

5 MR. CONNOLLY: Objection to the form.

6 THE WITNESS: Can you restate the  
7 question, please?

8 Q. (BY MR. POWERS) Sure. I -- we've talked about  
9 at least two kinds of communications between you and the  
10 University of Texas regarding your application for  
11 admission. The application that you submitted and then  
12 later the response back that you [REDACTED].

13 My question is: Can you think of any other written  
14 correspondence or communication you had with UT  
15 concerning application for admission to UT?

16 A. No.

17 Q. I want to ask you a little bit about your  
18 involvement in Students For Fair Admission. When did  
19 you become a member of that organization?

20 A. I don't remember the exact date, but it was a  
21 couple of years ago.

22 Q. And how did you first become aware of SFFA?

23 A. My mother brought it to my attention.

24 Q. And did you do research on the organization  
25 after learning of its existence?



1 A. Yes.

2 Q. Now, what was the process you went about to  
3 become a member?

4 MR. CONNOLLY: Objection to the form.

5 THE WITNESS: My mother with my approval  
6 paid the membership fee and we signed up and became  
7 members.

8 Q. Do you recall how much money she paid?

9 A. I believe it was \$10.00.

10 Q. Have you personally ever paid a membership fee  
11 or is it simply the -- the fee that your mother paid?

12 MR. CONNOLLY: Objection to the form.

13 THE WITNESS: I believe it's a family  
14 unit membership so my mother would probably have been  
15 the one that paid that, but I am not sure.

16 Q. (BY MR. POWERS) Has -- have you or your mother  
17 made any subsequent financial contributions after that  
18 initial \$10.00 membership payment?

19 MR. CONNOLLY: Objection on First  
20 Amendment and associational privilege. I instruct the  
21 witness not to answer the question.

22 MR. POWERS: Are you gonna follow your  
23 attorney's instructions on that?

24 THE WITNESS: I am.

25 Q. (BY MR. POWERS) Now, have you ever attended

1 Q. Good afternoon. Are you a member for Students  
2 For Fair Admissions?

3 A. Yes.

4 Q. You know what SFFA's mission is?

5 A. To remove the basis of race as a basis for ad  
6 -- admitting students into universities.

7 Q. And do you support that mission?

8 A. I do.

9 Q. The University of Texas were to stop using  
10 race in the admissions process, would you apply to  
11 transfer to UT?

12 A. Yes.

13 MR. CONNOLLY: No further questions.

14 MR. POWERS: No further questions from  
15 defendants.

16 MR. HINOJOSA: I have one final question  
17 perhaps.

18 By MR. HINOJOSA:

19 Q. If a court finds that UT is lawfully using  
20 race, will you reapply to UT?

21 MR. CONNOLLY: Objection to the form.

22 THE WITNESS: How do you mean?

23 Q. (BY MR. HINOJOSA) Sure. So SFFA claims in  
24 this lawsuit that UT is illegally using race. Do you  
25 understand that to be their claim?